IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 27873 of 2006(R)

PETITIONER:

THE MANAGER, MUSLIM LOWER PRIMARY SCHOOL
MYLOOR, PALLARIMANGALAM P.O., KOTHAMANGALAM,
ERNAKULAM DISTRICT.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.P.K.VIJAYAMOHANAN
SRI.T.S.RAJAN

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

3. THE DISTRICT EDUCATIONAL OFFICER,
KOTHAMANGALAM.

4. THE ASSISTANT EDUCATIONAL OFFICER,
KOTHAMANGALAM.

BY GOVT. PLEADER SRI. A.J. VARGHESE
SRI. C.P.S. PRASAD, A.G.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.27873/06

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF G.O.(Rt) NO.807/91/G.Edn. DT. 14.3.91.

EXT.P2. COPY OF THE REPRESENTATION DT. 2.12.97 OF THE PETITIONER BEFORE THE HON'BLE MINISTER FOR EDUCATION, KERALA

EXT.P3. COPY OF LETTER NO.67426/F3/97/G.Edn DT. 14.7.99 OF THE GOVERNMENT TO THE PETITIONER

EXT.P4. COPY OF THE ENQUIRY REPORT OF THE DISTRICT EDUCATIONAL OFFICER, KOTHAMANGALAM DT. 21.10.99

EXT.P5. COPY OF THE RESOLUTION NO.V (2) DT. 28.12.99 OF THE VARAPETTY GRAMA PANCHAYAT

EXT.P6. COPY OF COMMUNICATION DT. 9.3.00 FROM THE PRESIDENT, VARAPETTY GRAMA PANCHAYAT TO THE HON'BLE MINISTER FOR EDUCATION

EXT.P7. COPY OF THE REPRESENTATION DT. 2.1.00 FROM THE PRESIDENT, PTA, MUSLIM LPS, MYLOOR

EXT.P8. COPY OF ENTRY DT. 24.2.00 BY THE DEPUTY DIRECTOR OF EDUCATION, ERNAKULAM IN THE VISITORS BOOK OF THE PETITIONER SCHOOL

EXT.P9. COPY OF THE COMMUNICATION NO.B5/8353/2000/L.Dis. DT. 24.11.00 FROM THE 3RD RESPONDENT TO THE 2ND RESPONDENT WITH SURVEY REPORT

EXT.P10. COPY OF THE APPLICATION DT. 8.10.04 SUBMITTED BY THE PETITIONER IN FORM NO.I

EXT.P11. COPY OF THE COMMUNICATION NO.B/104/04 DT. 29.10.04 FROM THE 4TH RESPONDENT TO THE DEPUTY DIRECTOR OF EDUCATION, ERNAKULAM WITH SURVEY REPORT

EXT.P12. COPY OF G.O.(Rt) NO.146/2004/G.Edn DT. 9.1.04 OF THE 1ST RESPONDENT

EXT.P13. COPY OF G.O.(MS) NO.126/06/G.Edn DT. 5.4.06 OF THE 1ST RESPONDENT

EXT.P14. COPY OF THE FIXATION OF ESTABLISHMENT OF THE PETITIONER'S SCHOOL FOR THE YEAR 2006-07 BY THE 4TH RESPONDENT

EXT.P15. COPY OF THE MERIT CERTIFICATE DT. 30.5.05 ISSUED TO THE PETITIONER SCHOOL

EXT.P16. COPY OF THE STATEMENT SHOWING THE STUDENT STRENGTH FROM THE YEAR 1994-95 TO 2006-07 AT THE PETITIONER SCHOOL

EXT.P17. COPY OF THE COMMUNICATION NO.16478/2002 DT. 18.4.05 OF THE DIRECTOR OF PUBLIC INSTRUCTION.

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 27873 OF 2006

Dated this the 4th day of July, 2007

J U D G M E N T

The limited prayer in this writ petition, which is at the instance of the Manager of an aided Lower Primary School, is to grant permission to upgrade the institution as Upper Primary School.

2. Learned counsel submits that in view of the new guidelines issued by the Government, the plea made by the petitioner for up gradation is eminently sustainable. He also refers to Ext.P5 recommendation made by the local statutory body and also Exts. P9 & P11 reports of the educational authorities.

In my view, the Government has to take a decision in the matter in the light of the new guidelines expeditiously, after affording sufficient opportunity to the petitioner to be heard. Ordered accordingly.

The writ petition is disposed of as above.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007